

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
May 15, 2005
Tribal Court Room 7500 Odawa Circle
Smudging 9:15 a.m.
9:30 a.m.

Executive Session: yes

Call to Order: Meeting was called to order at 9:50 a.m.

Council Present: Tribal Chairman Frank Ettawageshik, Vice-Chairperson Beatrice A. Law, Secretary Dexter McNamara, Treasurer Alice Yellowbank, Councilor Rita Shananaquet, Councilor Fred Harrington, Jr., Councilor Regina Gasco Bentley

Absent: none

Legal Staff Present: James Bransky, General Counsel

Staff Present: Michele LaCount-Executive Assistant, Albert Colby Jr., Tribal Administrator, Valerie Tweedie, Chief Financial Officer, Doug Craven Natural Resource Department Director, Marcia Sutton, Heidi Yapple, Steve Rankins, Winnay Wemigwase

Commission, Boards and Committees: Sheran Patton, Billy McNamara, Carol Jeffers, Rochelle Ettawageshik, Ray Kiogima, Beverly Wemigwase

Guests: Carla McFall, Mel Kiogima Sr., John Kawegoma, Cody Bigjohn, Carol McFall, Sarah Preston, Kevin Willis

Opening Ceremony: Frank Ettawageshik

Motion made by Secretary Dexter McNamara and supported by Councilor Fred Harrington, Jr. to adopt the agenda with additions for May 15, 2005 in memory of Serena Ann Slaton who walked on April 16, 2005 when a drunk driver struck her down and drove away without rendering aid. Serena was the daughter of Clara Meshekey and niece of Joseph and Irene Meshekey. She was 53 year old. May the creator give her family strength and help all people struggling with substance and alcohol abuse issues find sobriety.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr., to approve the minutes of May 1, 2005 as presented.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to ratify the phone poll dated May 6, 2005, the reason for the phone poll is that this was a time sensitive funding opportunity and the deadline for application would be before the May 15, 2005 Council meeting. To pass Resolution #050605-01 "Request for funding from the National Wildlife Federation, National Parks Conservation Association, Healing Our Waters-Great Lakes Coalition Little Traverse Bay Bands of Odawa Indians Great lakes coalition participation program". To cover travel expenses for Little Traverse Bay Bands of Odawa Indians Participation in the Great Lakes Collaboration initiative for the Healing Our Waters-Great Lakes Coalition. This funding will allow the Little Traverse Bay Bands of Odawa Indians to participate as Tribal representation for the coalition which seeks to protect and restore the Great Lakes. The phone poll passed.

Vote: 6 Yes, 0 No, 0 Absent, 1 Abstained (Councilor Fred Harrington, Jr.)

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to accept the verbal and written Treasurer's report as presented by Valerie Tweedie, Chief Financial Officer for May 15, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

10:40 a.m. Recess called

10:50 a.m. Meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to accept the Tribal Administrator Albert Colby's report, written and verbal for May 15, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to approve the well drilling contract with Luttrell Well Drilling Incorporated for a total not to exceed \$55,000, and authorize the Tribal Chairman or his designee to sign all contracts associated with the drilling of wells at the Little Traverse Bay Bands of Odawa Indians hatchery property located on Drier Rd. Funding to come from the Consent Decree Fund.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to approve the application to Northern Michigan Substance Abuse Services (NMSAS) by the Little Traverse Bay Bands of Odawa Indians Substance Abuse Department and authorize the Tribal Chairman or his designee to sign after approving information on the completed application prior to mailing.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Gasco Bentley to expand the Elder's Ramp program to include installation of safety handrails.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to approve the Odawa Homecoming Pow-wow Committee request to sell raffle tickets for the hot tub as defined in the proposal presented on May 15, 2005. All conditions of the raffle shall be printed on the raffle ticket. The Tribal Administrator is authorized to conduct the licensing process for this raffle.

11:45 a.m. Councilor Rita Shananaquet leaves

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

11:46 a.m. Public Comment opened, John Kawegoma, Carla McFall, Dexter McNamara

11:47 a.m. Councilor Rita Shananaquet returns

11:52 a.m. Public Comment closed

12:00 p.m. Lunch recess called until 1:30 p.m.

1:31 p.m. Back in session

Motion made by Councilor Regina Gasco Bentley and supported by Vice-Chairperson Beatrice A. Law to accept the Gaming Board of Directors verbal and written report as presented by Sheri Patton Chairperson for May 15, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

1:40 p.m. Councilor Rita Shananaquet leaves

1:43 p.m. Councilor Rita Shananaquet returns

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to accept the Housing Commission's Quarterly verbal and written report as presented by Ray Kiogima for May 15, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to accept the resignation of Kevin Schlappi from the Housing Commission effective this date, May 15, 2005 and to declare the position vacant.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Indian Child Welfare Commission's verbal and written Quarterly Report as submitted by Rochelle Ettawageshik for May 15, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr. to accept the Natural Resource Commission's verbal and written Quarterly Report as presented by Secretary William McNamara for May 15, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairperson Beatrice A. Law to respond in writing to the Natural Resource Commission that the Natural Resource Commission be paid back the \$450,000 for the purchase of Bell's Fishery property.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to accept the Gaming Regulatory Commission's verbal and written Quarterly Report as presented by Chairperson, Beverly Wemigwase, for May 15, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

3:15 p.m. recess called
3:31 p.m. meeting reconvened

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to accept the Trust Fund Board's' verbal and written Quarterly report presented by Carol Jeffers Chairperson, for May 15, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to adopt Resolution #051505-01 Adoption of Kyoto Protocol and Renewable Energy Standards.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to adopt Resolution #051505-02 Request for funding from the National Endowment for the Humanities, Preservation Assistance Grants for Smaller Institutions, Little Traverse Bay Bands of Odawa Indians, "Collections Preservation Project".

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes
Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Vice-Chairperson Beatrice A. Law to adopt Resolution #051505-03 Tribal Name Clarification.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to adopt Resolution #051505-04 The Reaffirming of the Little Traverse Bay Bands of Odawa Indians' Natural Resource Department's Conservation Enforcement Division (program) as an authorized Criminal Justice Law Enforcement Agency of the Tribe.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-no, Councilor Regina Gasco Bentley-yes
Motion Carried

4:13 p.m. Public Comment opened: no comments

4:13 p.m. Public Comment closed

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to adopt Resolution #051505-05 Request for Funding from the Bureau of Justice Statistics, Office of Justice Programs, United States Department of Justice, 2005 Tribal Criminal History Record Improvement Pilot Program.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to enact Waganakising Odawak Statute Gaming Regulatory Act, sponsored by the Gaming Regulatory Commission.

5:03 p.m. Recess called

5:20 p.m. meeting reconvened

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes,

Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes
Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Councilor Rita Shananaquet to approve Burial Request #A0095(a) for \$868.81.
Vote: 6 Yes, 0 No, 0 Absent, 1 Abstained (Councilor Fred Harrington, Jr.)
Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to approve Burial Request #A0103 in the amount of \$8,000.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Councilor Rita Shananaquet to approve Burial Request #A0104 for \$8,000.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to approve Burial Request #A0105 in the amount of \$8,000.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

5:35 Councilor Rita Shananaquet leaves
5:38 p.m. Councilor Rita Shananaquet returns
5:40 p.m. Councilor Regina Gasco Bentley leaves
5:43 p.m. Councilor Regina Gasco Bentley returns

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to place on the Legislative Calendar, the Traffic and Motor Vehicle Code.
Vote: 6 Yes, 1 No (Fred Harrington, Jr.), 0 Absent, 0 Abstained
Motion Carried

6:07 p.m. Councilor Rita Shananaquet leaves
6:13 p.m. Councilor Rita Shananaquet returns

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to authorize stipend, mileage, per diem and lodging for Tribal Council attendance at the 2-day rescheduled training session with Jack Salem.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to authorize stipend, mileage, per diem and lodging for Tribal Council to attend the 2006 Budget work session on May 27 and June 6, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to donate \$1,000 to the Ogichidaa Award Foundation, funding to come from the Sponsorship line item.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to reclassify the Minor Redemptions 2005 spreadsheet presented by the Trust Fund Board, the spreadsheet shall be considered confidential.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Treasurer Alice Yellowbank to deny the request for Tammi Lee to use the Tribal logo for resale.

Motion Withdrawn

Motion made by Secretary Dexter McNamara to grant permission for use of the Tribal Logo in it's entirety to Tribal Member Tammi Lee for a period of 5-months.

Motion dies due to lack of support

Motion made by Councilor Rita Shananaquet and supported by Beatrice A. Law to table the request from Tammi Lee for use of the Logo until the next meeting.

Motion Withdrawn

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to table the request from Tammi Lee for use of the Tribal Logo until policy is adopted.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

6:59 p.m. Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to go into Executive Session for legal.

Vote: 5 Yes, 2 No (Councilor Rita Shananaquet, Councilor Fred Harrington, Jr.), Absent, 0 Abstained

Motion Carried

6:55 p.m. Councilor Rita Shananaquet recuses herself and leaves

7:31 p.m. Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to go into open session.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to support the reunification of Waabizii Angela Bigjohn with the Tribe and direct the Tribal Chair to use the Tribe's Legal Department to pursue the transfer of her case to Tribal Court.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

7:37 p.m. Councilor Rita Shananaquet returns

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to accept the Tribal Chairman's verbal and written report for May 15, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

7:49 Secretary Dexter McNamara leaves

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to approve the FY 2005 Political Contribution Plan as presented on May 15, 2005, with the timing of the donations to be at the discretion of the Tribal Chairman, with the provision that Congressman Patrick Kennedy (D-RI) be added to the list for a donation of \$1,000.

Vote: 6 Yes, 0 No, 1 Absent (Secretary Dexter McNamara), 0 Abstained

Motion Carried

7:57 p.m. Secretary Dexter McNamara returns

Motion made by Councilor Rita Shananaquet and supported by Councilor Fred Harrington, Jr., to accept the verbal and written report from the Legal Department General Counsel, James Bransky for May 15, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to adopt Resolution #051505-06 Execution of Deed and Escrow of Taxes for "Taimi Hoag Nature Preserve" Parcel.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to authorize the Legal Department to negotiate a contract with Matt Lesky to serve as attorney in the legal Department for a term of two years for a starting annual salary of \$42,000 plus fringe and to authorize the Tribal Chairman to sign the contract.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to authorize the Tribal Chairman to sign a letter of support for Dr. Gavin Clarkson's proposal to the National Science Foundation for a Tribal Finance Information Clearing House.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

8:15 P.M. Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Gasco Bentley to adjourn.

Vote: 6 Yes, 1 No (Secretary Dexter McNamara), 0 Absent, 0 Abstained

Motion Carried

These Minutes have been read and approved as written:

Approved:

Dexter McNamara, Tribal Secretary

Date